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Model Land Use and Development Code

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MODEL LAND USE AND DEVELOPMENT CODE

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[*Editor's Note: This article consists of excerpts from the Model Land Use and Development Code drafted by Professor Krasnowiecki and which appears in Final Report of the Maryland Planning and Zoning Law Study Commission (December, 1969) at pp. 53-119. We feel that this Code represents a significant and innovative departure in land-use controls, and deserves careful study. Professor Krasnowiecki served as consultant to the agency which drafted the proposed New York State Land Use and Development Planning Law, Assembly Bill 6528 (March 30, 1970), and which is presently under consideration by the New York legislature. The New York bill is based in part on Professor Krasnowiecki's Model Code. We express our gratitude to the Commission and Professor Krasnowiecki for their permission to include portions of the Code in the* Urban Law Annual.]

I. Introductory Comments†

One of the continuing debates in the land use field revolves round the question whether, and to what extent, expenses which might be thrown on the public at large or on a public system (such as a public utility) should instead be imposed upon (a) the landowner and (b) the developer. Fundamentally, every land use control system is a system which strives to obtain the maximum public benefit from the use of land and a fair allocation of benefits and burdens of the system among different individuals and groups.

Some of the deficiencies in the system are attributable to the human

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† These comments appear in conjunction with § 203 of the Code, dealing with subdivision controls, and are representative of the considerations behind the Code.

element (poor judgment, poor vision). Nothing can be done about that unless it be proposed that the human race be abolished. Some of the deficiencies are attributable to the way in which the power to make decisions is distributed (in the structure and procedures of government, in the checks and balances of the political and judicial process that results in a decision). A new enabling act can bear on some, but clearly not on all of these deficiencies. Some of the deficiencies are attributable to the very nature of the subject matter and the scope of the system itself. One absolutely critical limitation on the scope of the system is that it has only a limited capacity for *redistribution.* A simple illustration will demonstrate the elements of the problem. Two adjacent property owners A and B own parcels roughly the same size and roughly the same characteristics. The parcels are zoned for single-family use. An apartment could be built on one parcel only, either because there is no market for another apartment or because the public, through its officials, will see a benefit in securing one apartment but not two. Accordingly the zoning on parcel A is changed to apartment use but not on parcel B. The system can make the decision that there should be one apartment and that it should be on parcel A rationally, in the sense that it can rely on factors such as traffic congestion for the determination that there should be only one apartment and on physical and locational factors which give parcel A a slight edge over B (even though there is not much to choose between them). The allocation, therefore, can be rational from the public point of view. It is not necessarily rational from the point of view of the two owners. Owner A may have sustained a gain at the expense of owner B. Previous to the rezoning of parcel A, both owners had (or thought they had) an opportunity to turn their parcels to an apartment use. Even if the market was limited to one apartment, each had the fond hope of capturing that market and securing a change in zoning. The point would be even clearer if both parcels were not zoned. The public has now intervened and awarded the prize to A.

It is hard to rationalize the award to A on the same basis as we might rationalize the award of virtual monopoly to a public utility. A is not really a persuasive figure as a public utility. He is really an accidental beneficiary of a choice which may be beneficial to the public but injurious to B. If B lost no more than an opportunity to make a gain we might dismiss his claim as morally or socially unpersuasive. B, however, might have lost more than an opportunity to

make a gain. His property may be less valuable for single-family residential use now than it would have been if A remained restricted to the same use. We might dismiss this claim also on the grounds that had both he and A been free to build an apartment A might have stolen the march on B, with very similar results to B. That excuse, however, holds good only if there is a market for only one apartment and even then it gives no credit to B's entrepreneurial skills. The situation becomes even more complicated when we consider that a public regulation of land may commit the landowner to a course of action which is well-nigh irreversible. Suppose, for example, that B had built a single-family residential development and sold out before A applied for the apartment rezoning. So long as B owned the land, he could still hope to secure a rezoning to apartment use and thus avoid the loss A's apartment has thrown on him. But the purchasers of the homes do not have that opportunity.

The point of this example is this: whenever a landowner is deprived of an opportunity to make a gain, whenever an affirmative loss is imposed on him, we can justify it in the system by the overall benefit that accrues to the public—but not entirely, because the benefit is frequently distributed in a very unfair way and there is no adequate mechanism for *redistribution.*

A, presumably, will pay a higher tax than B. But the property tax is not designed to remove the inequalities produced by our land use control system. An attempt to devise a system that would close the gap, so that public land use decisions would not confer disproportionate windfalls and losses on individuals, was made in England. We have not been prepared to follow the English approach partly because we have doubts about its constitutionality, partly because we distrust a "closed" system in which the effects of public decisions cannot be judged by the effects on the value of land when that value itself is subject to a system of charges and payments in order to maintain a relative equality between owners.

We prefer the inequalities to remain patent so that the excesses of government can remain apparent and thus subject to correction in the ballot box or in the courts. This is the wisdom of our system, it should not be abandoned lightly. And this Code does not propose to abandon it.

II. Major Statutory Provisions

[*The most important statutory provisions of the code—those that give the code its distinctive and innovative flavor—follow.*]

106. Definitions . . .

"*Developer*" means any person who undertakes a development.

"*Development*" means:

(1) Any activity, other than a normal agricultural activity, which materially affects the existing condition of land or improvements, such as:

(a) removal of trees or other natural cover;

(b) substantial excavation or deposit of earth or other fill, including alteration in the banks of any river or other body of water;

(c) construction, reconstruction, alteration or demolition of any improvement;

(d) dumping or parking any objects or materials whether mobile or immobile, liquid or solid;

(e) commencement of any use of the land or improvements and every change in its type or intensity;

(f) commencement of any noise, smoke or other emission and every change in its type or intensity.

(2) any change in the legal relationships of persons to land which materially affects development, such as;

(a) division of land into two or more parcels or units to facilitate separate transfer of title to each parcel or unit;

(b) entry into covenants or other agreements, or the creation of easements or other interests in land which restrict or require development.

"*Development plan*" means any plan, chart, drawing, sketch, specification or other document required to be filed and approved prior to start of development.

"*Governing body*" means the legislative body of the local government.

"*Land*" means the earth, water and air, above or below the surface of the ground.

"*Land use*" means the continuation of any activity (including the continuation of an improvement) on land which would be development if currently commenced. . . .

"*Order*" means any final action of an administrative officer or agency, including the issuance of a permit or certificate, which grants or denies an application for development or for the continuation of a land use or imposes a restriction upon development or land use. . . .

"*Regulation*" means any rule of general applicability and future effect, including any map or plan.

"*Restriction*" means any matter contained in a regulation or order or in any map or plan which imposes any condition upon a development or land use which limits, pro-

hibits or terminates a development or land use or which has the effect of preventing development or land use as a practical matter. . . .

202. Method of Control

(1) A local government may exercise its powers under this Act by adopting, amending and administering land use and development regulations as provided in this Act.

(2) The regulations may subject land use and development to control by:

(a) provisions which are designed to apply to the individual case without further administrative action except to check or enforce compliance, hereinafter referred to as "general provisions" or "general controls";

(b) provisions which authorize or require an administrative agency to make an order for each individual case based on standards which call for the exercise of judgment or discretion, hereinafter referred to as "special provisions" or "special controls."

(3) A local government exercising any of the powers conferred by this Act shall create a Land Planning Agency as more fully provided in Article III to make all determinations and orders required or authorized to be made under the land use and development regulations of that local government and to exercise such other powers and functions as are conferred upon it by this Act or by the regulations adopted pursuant to this Act.

(4) Subject to the procedural and substantive limitations set forth in this Act, the land use and development regulations may subject any development or land use, or any element thereof, to special control by authorizing the Land Planning Agency to make orders in each individual case. The regulations shall provide rules or standards to guide the Land Planning Agency in its actions.

(5) The power to adopt and amend land use and development control regulations shall be lodged in the governing body of the local government but the governing body may delegate the power in whole or in part to the Land Planning Agency.

(6) Land use and development regulations may establish general or special controls by any appropriate means including words, maps, descriptions and performance standards.

(7) Land use and development regulations may prescribe procedures by which compliance with the general and special provisions shall be determined and enforced. The procedures shall be consistent with the provisions of Section 206, relating to approval of plans, and Section 207,

relating to hearings. All regulations and all orders issued by the Land Planning Agency pursuant to the regulations shall be enforceable by appropriate proceedings at law or in equity. A violation of this Act or of any regulation or order made under this Act is hereby declared to be a misdemeanor and the regulations may provide for punishment thereof by fine or imprisonment or both. . . .

208. Adoption and Amendment of Land Use and Development Control Regulations . . .

(2) In addition to the procedure prescribed by Subsection (1) for amendment of any land use or development regulation, certain kinds of amendments, hereinafter referred to as "special amendments," shall be governed by the procedures and requirements set forth in Subsection (3). An amendment shall be treated as a special amendment:

(a) if the owner of any parcel included within the proposed amendment or anyone acting with his consent or on his behalf appears at the hearing in support of the amendment and presents any testimony or any exhibits (such as sketches or plans) which describe any one or more characteristics of a proposed development of the parcel with greater specificity than does the text or map of the proposed amendment or if the owner or anyone acting with his consent or on his behalf has filed an application for development with the Land Planning Agency which contains similar information; or

(b) if the amendment is limited to a single parcel or several parcels under related ownership or control.

(3) All special amendments shall be treated as if the owner of any parcels described in paragraph (a) and (b) of Subsection (2) had filed an application for the approval of a preliminary development plan and shall be governed by all of the provisions of Section 206. . . .

206. Application for Development: Submission of Plans: Procedure

(1) To secure compliance with and to facilitate the administration of land use controls, land use and development regulations may prohibit the execution or recordation of any documents which constitute development and the commencement or continuation of any other development or land use (including occupancy or use of any improvement) until a plan or plans of development (sometimes referred to as an application for development) have been submitted to and approved by the Land Planning Agency

or until the Agency has made an inspection of the development or land use and has issued a certificate or other order evidencing compliance.

(2) The regulations shall prescribe the form and contents of the application that must be made to the Land Planning Agency and the procedures for securing any required approval or certificate. The procedures shall be consistent with the provisions of this Section.

(3) The regulations shall specify the documents which constitute development and which are not entitled to recordation until a certificate authorizing the same is endorsed thereon by the Land Planning Agency. The regulations relating to this matter shall be filed with the Recorder of Deeds together with an appropriate description of the land area to which they apply. Thereafter, the Recorder shall not accept the specified documents for record unless the required certificate is endorsed thereon.

(4) In order that the cost of development may be kept at a minimum and to preserve an appropriate flexibility in the plan for a large project, which is to be developed over a number of years, the Land Planning Agency shall have power to approve a preliminary plan by which the developer proposes to seek final approval and to develop the project by stages or sections and so to defer premature expenditures on land or on various improvements and guarantees provided that the Land Planning Agency finds that the proposed delay in final approval or in other commitments and guarantees will not adversely affect the interests of the early users of the development or the integrity of the development from a planning point of view. The regulations may authorize or require preliminary approval in any other case.

(5) The regulations governing preliminary and final approval may authorize the Land Planning Agency to require that the developer include such additional land in his development plan, make such disclosure of the interests and liens existing in the land covered by the plan, secure such releases and acquire such title prior to preliminary or final approval of his plan as the Agency deems necessary to protect any requirements adopted under Sections 203 and 204.

(6) The regulations governing preliminary and final approval may prescribe, or may authorize the Land Planning Agency to prescribe in each individual case, the form of the preliminary or final plan and the documents which must accompany a submission for each approval including, when appropriate, draft covenants, easements, organization papers for private service and maintenance organizations, sketches of the buildings and other improvements. But the

local government shall not require that preliminary plans and documents meet customary record and engineering standards so long as they contain adequate information upon which the Land Planning Agency can determine that the proposed development will meet all requirements if the developer proceeds in accordance with such plans and documents.

(7) If a hearing is required or the Land Planning Agency elects to hold a hearing under Section 207, the hearing shall be held prior to the approval of the preliminary or the final plan, whichever comes earlier. The Agency may continue any hearing or hold several hearings on any plan but if any plan, preliminary or final, is approved after a hearing or hearings, no further hearings shall be held upon the development in question unless the developer proposes to make a substantial departure from the plan or the terms of the Agency approval as defined in Subsection (9).

(8) Within sixty days following the submission of any development plan, preliminary or final, the Land Panning Agency shall render a decision either approving or disapproving the plan or approving subject to conditions. Failure to render a decision within the time specified shall be deemed an approval of the plan as submitted as to all matters which are within the discretion of the Agency to approve. If the plan is approved subject to conditions unacceptable to the applicant, he may treat the decision as a disapproval for purposes of an action in court.

(9) The order of the Land Planning Agency approving or disapproving any plan shall be in writing. An order approving a plan shall set forth the terms and conditions of the approval and shall identify the documents and other representations (by reference or by endorsement thereon) submitted to the Agency by the applicant which the Agency regards as an integral part of the approved plan, such as: site planning, engineering and architectural plans, drawings and specifications (including sketches), easements, covenants, bonds and other agreements (whether in final or in draft form). If a hearing has been held, the Agency order may, in addition, refer to the oral representations made of record by or on behalf of the applicant which the Ageny regards as part of the understanding upon which the approval is based. All such documents and representations, when identified by the Agency as herein provided, shall become an integral part of the approved plan and shall be treated as terms and conditions of the approval, notwithstanding that they include matters which are not subject to independent regulation under this Act or are not otherwise

regulated by the local government. A copy of the Agency order shall be served personally upon the applicant and made available for inspection by any member of the public and for copying at his own expense.

(10) Subject to such reasonable conditions as the Agency finds necessary to impose in order to secure the financial responsibility of a named developer (pursuant to the authority vested in it under Section 204), an order granting preliminary or final approval shall create in favor of any person who is entitled to develop the land in question, a right, notwithstanding any intervening change in the regulations, to final approval (if any) and the right to commence and to complete the development therein described provided that the developer remains in compliance with the terms of the approval, as defined in Subsection (9), and the conditions, including the schedule, set forth in the order granting approval.

(11) The land use and development regulations may provide as to certain kinds of development that after development is commenced under an approved plan, the use and development of the land in question shall be governed by the approved plan and the terms of the approval so that no other use or development, although permissible by the regulations, shall be permissible at any time thereafter unless an application is made to the Land Planning Agency for a modification of the plan or the terms of the approval or unless the plan and the terms are amended by special amendment as provided in Section 208(2). Pending such an application, the approved plan and the terms of the approval (as defined in Subsection (9)) shall constitute an integral part of the land use and development regulations for the land in question and shall be enforceable by the local government as such.

(12) Subject to the provisions of Subsection (10), the land use and development regulations may provide or may authorize the Land Planning Agency, by order in each individual case to provide at what stage in the procedure each document which is part of the plan shall be entitled to a certificate authorizing its recordation. If the regulations provide that the approval of the plan shall have the effects described in Subsection (11), the Agency shall include in the certificate a statement that the use and development of the land described in the document is limited by an approved plan on file with the Agency. If the certificate and statement are endorsed on the recorded document, the statement shall be notice to all persons that the use and development of the land in question is subject to the ap-

proved plan and the terms of the approval, as provided in Subsection (11).

(13) In order to avoid any doubt as to the validity of documents which affect title to land, the Land Planning Agency shall provide a procedure under which any person who requests the same may obtain a certificate that a particular document does not require prior approval by the Agency or that it has been approved. Any certificate issued by the Agency under Subsections (3) and (12) or under this Subsection in apparently regular form and by a person who is apparently authorized to issue the same on behalf of the Agency shall be final and conclusive as to all matters stated therein and shall be incontestable by the local government.

(14) Subject to the provisions of Subsections (10) and (13), and the limitations, if any, imposed by law, the Land Planning Agency may modify or revoke any permit, certificate or other order approving a development or the continuation of a land use on the grounds that such approval was unauthorized at the time it was issued. The order of modification or revocation may provide that it takes effect immediately, but the Agency shall, if requested to do so by the person who would have been entitled to development or continuation of a use thereunder, afford such person a hearing including, if requested, a formal hearing under Section 207, to determine the validity of the order. Notwithstanding his right to request a hearing, such person may at any time before or after the request is made treat the order of modification or revocation as final and immediately pursue any judicial remedies to which he may be entitled.

III. Comments

[*The following comments by Professor Krasnowiecki, taken from various sections in the Report, describe the underlying theory on which the Code is based.*]

The definitions . . . control the meaning of the provisions of this Code. Like all enabling laws, the Code is mainly a law which grants certain powers to local governments and imposes certain limitations on the exercise of the granted powers including requirements relating to administration and procedures. Before the granted powers may be exercised, the local governments must further define the subject matter they wish to control and refine the standards and requirements that will apply to it by adopting "regulations" for this purpose. See Section 202. An "enabling law," in other words, is law which enables local government to make further law. Normally, this is done by

ordinance or by resolution of the legislative body. The Code, however, uses the generic word "regulation" to make clear that the local government can define and refine the powers granted under the Code not only by ordinance or resolution but also by administrative regulation. See Section 202 (5). This matter will be further discussed under the definition of "order" in this comment and in the comment on Section 202. The point here is that an "enabling law" is composed of two types of elements, permissive and mandatory. The mandatory elements are those which define the outer limits of a granted power.

These outer limits of a granted power may be composed of a definition of the subject matter and the conditions precedent and subsequent to the exercise of the power, including the requirement that a local government adopt "regulations" and that it follow certain mandatory procedures. Within those limits, however, the enabling law is "permissive" in the sense that the local government is not required to exercise the granted power or it may decide to exercise less than all of the power that is granted. This point is emphasized because it is frequently the source of much misunderstanding, particularly when it comes to the definitions employed in this Code. Two points should be noted about the definitions: first, they are internal to the Code, they define the meaning of the provisions of the Code; second, since the Code is mandatory only when it prescribes the outer limits of the grant of a power or when it imposes conditions on the exercise of the power, a definition in the Code is mandatory only to the extent that it controls these limits and gives meaning to the conditions. For example, the definitions of "development" and "land use" define the subject matter over which the powers granted by this Code may be exercised. The definition is mandatory in the sense that no local government may employ the powe. · granted by this Code to control any subject matter that does not fall within the definition of "development" or "land use." It is not mandatory in the sense that local government *must* control all "development."

Indeed, the definition of "development" is only one element of the boundary—the outer limits imposed by this Code on the exercise of the powers. Other elements of the boundary are that the local government must adopt regulations, that it must follow certain prescribed procedures. These are minor elements by comparison to the overriding elements which are (a) that the local government cannot go beyond the stated purposes of the Code (Section 201); and (b) that it cannot go beyond the limits imposed by the Constitution of this

State or of the United States. Within the boundaries imposed by these elements, the local government is authorized to control the subject matter defined as "development" and "land use," but it is not *required to do so.* Furthermore, if it decides to control some of the subject matter, *it is not required to use the same words.* In that sense, the definitions in the Code are internal to the Code. . . .

The patchwork history of land use control legislation has left us with a system that is riddled with artificial distinctions, cumbersome to local authorities who want to do a good job and confusing to the courts. One of the main purposes of this Code is to remove the burden of artificial distinctions and to reorganize the system so that it can function efficiently as an instrument of public policy.

The definitions of "development" and "land use" provide the foundation for this reform. These definitions go directly to the core of land use control—to its subject matter. Having defined the subject matter, the Code can go directly to the *method* by which the subject matter may be controlled. Section 202 establishes the ground rules for the new method. To control land use or development, the local government must adopt "regulations." A "regulation" may subject land use or development to control *either* (a) by provisions which are *self administering*—provisions which do not require "further administrative action except to check or enforce compliance" (Section 202 (2) (a)); or (b) by provisions which "require an administrative agency to make *an order for each individual case* based on standards" (Section 202(2) (b)). That is all. The Code does not perpetuate the existing confusion between the *method* of control and *the subject matter.*

When we speak of "zoning" today, we generally have in mind a *method* of control such as is described in (a). When we speak of "subdivision and site planning" control, we generally have in mind a method of control which combines both (a) and (b). When we speak of "special exception," we generally have in mind a method of control that is largely (b), though it may contain some elements (a). There is nothing wrong about arranging one's thoughts under separate headings so long as the arrangement does not produce artificial distinctions which lead to false results. The trouble with the separate categories of "zoning," "subdivision and site planning control" and "special exception" is that these labels signify not only distinctions in *method* of control, but also distinctions in *subject matter.* This leads to the conclusion that the subject matter which is associated

with "zoning" cannot be controlled by the method associated with "subdivision and site planning control." Similarly, a substantial doubt is created whether all of the subject matter assigned to "zoning" and "subdivision or site planning control" can be controlled by the method associated with "special exceptions." These conclusions and doubts are further accentuated by the fact that each category of control is assigned to a different agency or body.

The Code proposes to get away from this confusion. As already noted, this is accomplished as follows: first, the subject matter is defined as a whole. Then the method for controlling the subject matter is described. If the method is considered apart from the subject matter, it becomes clear that the fundamental distinction in method is between a regulation which is self-administering as in (a) above, and a regulation which requires a further step—the exercise of judgment or discretion by an administrator—before its precise application can be established (as in (b) above). Once this distinction is stated, all artificial distinctions can be eliminated by the simple statement, contained in Section 202, that all of the subject matter can be controlled by either or both of the above methods.

It can be seen that the word "regulation" plays an important role in this reform. Section 202 is clear: no control can be imposed without a "regulation." "Regulation" is defined, *infra,* as a "rule of general applicability and *future* effect." Thus the Code confirms the principle that government cannot control individual conduct by fashioning the rules after the event. The Code recognizes one exception to this principle—the "special amendment" (Section 208 (2)). With this exception, all "regulations" must be prospective in operation and general—not in the sense that they must be applicable to all of the land or to all instances of an activity but general in the sense that the regulation cannot be purposely tailored to the characteristics of a single individual to the exclusion of all others. A regulation, however, does not cease to be "general" in this sense if it accidentally has this result. The definition of "regulation" has been intentionally borrowed from the Revised Model State Administrative Procedure Act of 1961 prepared by the Commissioners on Uniform State Laws. The Federal Administrative Procedure Act defines "rule" as a statement "of general or particular applicability." The Commissioners note that the words "or particular" have been dropped in the Model Act because they have created confusion, and they go on to state:

Attention should be called to the fact that rules, like statutory

> provisions, may be of "general applicability" even though they may be of immediate concern only to a single person or corporation, provided the form is general and others who may qualify in the future will fall within its provisions.

The Code, it should be noted, does not include the "uniformity" provision found in Article 66B, Sections 2 and 21 (b) of the Annotated Code of Maryland. The provision has served no useful purpose except to create confusion and to prevent the use of controls that are capable of securing some variety and imaginative design in new development. Nor does the Code insist that regulation should be done by "districts" although the use of maps is authorized along with other methods for drawing the necessary distinctions between different kinds of development and different areas. Section 202 (6). Everything that is of value in the old "uniformity" and "districting" concepts is captured by the dual requirements: (1) that no control may be imposed without a "regulation"; and (2) that a regulation must be "of general applicability and future effect"—i.e., that government cannot draw lines that are intentionally applicable to a single individual.

Subject to these limitations, the Code not only permits but is designed to encourage the use of an "administrative" approach to land use control. This is done by stating clearly that a regulation can involve either (a) provisions which require no further administrative intervention *except to check or enforce compliance;* or (b) provisions which "require an administrative agency *to make an order for each individual case* based on standards" (Section 202 (2) (a) and (b)).

This brings us to the definition of "order" which, along with the definition of "regulation," plays an important role in the new system. Although Section 202 (2) mentions the word "order" only in connection with the second, "discretionary," type of regulation, the word "order" is used throughout the Code to refer to any administrative action that is taken with regard to a particular individual that purports to dispose of his individual rights and obligations under the land use and development controls. In that sense, "order" is the antithesis of "regulation." However, no individual can be controlled by an "order" unless the order is justified by a "regulation." The Code makes this doubly clear: first, in Section 202 (1) where authority to control anyone by any means other than by "regulation" is limited to "administering" the regulation; second, in Section 202 (4) where the Code requires that a regulation of the second, "discretionary,"

type must provide adequate standards to guide the administrator when he comes to fashion his "order." As already noted, however, the meaning of "order" is not limited to administrative actions under the second type of regulation. Although the first type of regulation has been described as "self-administering," the Code not only envisages but specifically authorizes the local government to require that a developer submit a "plan of development" for approval before he starts and that he submit the development to inspection before occupancy will be authorized—regardless of the type of regulation used. Section 206. Room is made for this requirement in the description of the "self-administering" type of regulation by the words "except to check or enforce compliance." Section 202 (2) (a).

Thus the word "order" not only describes the action taken by the administrative agency under a "discretionary" type of regulation, but it describes any action taken by the administrative agency in favor of or against an individual pursuant to a procedure to check or enforce compliance with a regulation—including a procedure to check or enforce compliance with a prior order.

[*Following is the Table of Contents of the Code in its entirety.*]

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